

## REMARKS

Applicants thank the Examiner for the Final Office Action of January 6, 2009. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 28, 30-31, and 34-38 are pending in this application.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by latrides, et al (USPN 5,743,723). Claim 29 has been canceled. With respect to claim 28, Applicant respectfully traverses because latrides, et al. fails to disclose, teach or suggest the claims, in particular, a flow rate control device slaved to a flow rate measurement device so that a sum of the additional gas, oxygen and fuel flow rates are greater than a preset minimum flow rate  $D_{MIN}$ . As such, the rejection should be withdrawn.

### **First Claim Rejection Under 35 U.S.C. § 103:**

Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over latrides, et al (USPN 5,743,723), further in view of Kurata (USPN 6,004,128). Applicant respectfully traverses because latrides, et al. and Kurata, alone or in combination, fail to disclose, teach or suggest the claims, in particular, a flow rate control device slaved to a flow rate measurement device so that a sum of the additional gas, oxygen and fuel flow rates are greater than a preset minimum flow rate  $D_{MIN}$ . As such, the rejection should be withdrawn.

### **Second Claim Rejection Under 35 U.S.C. § 103:**

Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over latrides, et al (USPN 5,743,723), further in view of Versluis (USPN 5,630,408). Applicant respectfully traverses because latrides, et al. and Versluis, alone or in combination, fail to disclose, teach or suggest the claims, in particular, a flow rate control device slaved to a flow rate measurement device so that a sum of the

additional gas, oxygen and fuel flow rates are greater than a preset minimum flow rate  $D_{MIN}$ . As such, the rejection should be withdrawn.

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

A Petition for a One Month Extension of Time and a Request for Continued Examination along with their associated fees have been contemporaneously submitted with this Response. Otherwise, it is believed that no other fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

Date: **May 6, 2009**

/Christopher J. Cronin/

Christopher J. Cronin

Registration No. 46,513

Air Liquide  
2700 Post Oak Blvd., 18<sup>th</sup> Floor  
Houston, Texas 77056  
Phone: 302-286-5525